

United States District Court  
Southern District of New York

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Alpha Capital Anstalt,

Plaintiff,

15 CV 5443 (VM)(GWG)

v.

Oxysure Systems, Inc., Adar Bays LLC,  
Union Capital LLC, JSJ Investments, LLC,  
Group 10 Holdings, LLC and Macallan  
Partners, LLC,

Defendants.  
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Plaintiff's Initial Rule 26(a)(1) Disclosures

Pursuant to Fed. R. Civ. P. Rule 26(a)(1), Plaintiff Alpha Capital Anstalt ("Alpha Capital") provides its Initial Disclosures based upon its current knowledge. Plaintiff reserves the right to amend and/or supplement these disclosures.

I. (a)(1)(A)(i) the name and the address and telephone number of individuals likely to have discoverable information that Plaintiff may use to support its claims and the subject of the information they may have.

1. Ari Kluger; 510 Madison Avenue, New York, New York, 10022; 212-586-8224;

Purchase by Alpha Capital of Oxysure securities.

2. Ari Rabinowitz; 510 Madison Avenue, New York, New York, 10022; 212-586-8224;

Purchase by Alpha Capital of Oxysure securities.

3. Julian Ross; Oxysure;

Purchase by Alpha Capital and others of Oxysure securities.

4. Representatives of Adar Bays LLC, including Ari Goldstein, Union Capital LLC, including Yanky Borenstein, representatives of JSJ Investments, LLC, Group 10 Holdings LLC and Macallan Partners, LLC, which entities purchased variable rate securities from Oxysure in 2014.

Purchase of Oxysure securities.

5. Tomer Tal, Esq. who represented Oxysure in its sale of variable rate securities.

Purchase of Oxysure securities.

6. Casey Jensen of Anubis Capital Partners, 2550 Midway Road, Suite 198, Carrollton, Texas 75006.

Purchase of Oxysure securities.

II. (a)(1)(A)(ii) A copy of, or a description by category and location of all documents, data, compilations, and tangible things that are in the possession, custody, or control of the party that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

1. Transaction documents relating to Alpha Capital's purchases of Oxysure convertible preferred stock and warrants.
2. Emails between Ari Kluger, Ari Rabinowitz and other LH Financial Services employees, if any, on the one hand and Oxysure and the other named Defendants on the other hand relating to purchases of Oxysure securities.

All documents are located at the premises of LH Financial Services, Inc., 510 Madison Avenue, New York, New York 10022.

III. (a)(1)(A)(iii) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which the computation is based, including materials bearing on the nature and extent of injuries suffered.


As a result of Oxysure's breach of its agreements with Alpha Capital, the Oxysure Convertible Preferred Stock and Warrants decreased in value and Alpha Capital lost profits it otherwise would have earned. All damages calculations are dependent upon expert testimony. Expert disclosures will be made in accordance with the Scheduling Order. Alpha Capital is also seeking permanent injunctive relief, as set forth in the Complaint.

IV. (a)(1)(A)(iv) Applicable Insurance Agreements

Not applicable.

Dated: New York, New York  
September 18, 2015

Law Offices of Kenneth A. Zitter

By   
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